IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODGING) No.42 of 2007

IN

SUMMONS FOR JUDGEMENT NO.287 OF 2003

IN

SUMMARY SUIT NO.3809 OF 2002

Emkay Exports & ors. .. Appellants

versus

Madhusudan Srikrishna .. Respondent

...

Mr.D.D. Madon, Sr. Advocate with Mr.H.N. Thakore with Ms.A. Bardia i/b M/s.Thakore Jariwalla & Associates for the appellant.

Mr.N.D. Jaywant for the respondent.

CORAM : R.M.S. KHANDEPARKAR

AND D.G.KARNIK, JJ

DATED : 9th April 2007.

P.C.:

1. Heard.

2. Since the application for condonation of delay is rejected, appeal does not survive. Even otherwise the appeal filed by the appellant against the order granting conditional leave to defend has already been dismissed and that order has become final. In the present appeal against the consequential order of decreeing the suit for non compliance of the conditional order the original order of conditional leave cannot be challenged. Hence, appeal fails and is hereby dismissed.

(R.M.S. KHANDEPARKAR, J)

(D.G. KARNIK, J)